

JOHN F. CORCORAN, CLERK
BY: *DR*

REPUTY CLERK

1

1

1

1

2

—

1

1

1

I.

Case 7:05-cv-00730-SGW Document 4 Filed 12/13/05 Page 1 of 3 Pageid#: 7

BBW's owner, Reed seeks monetary damages for her "mental anguish, mental stress, nightmares" and "fear of accepting another job due to this situation."

II.

Reed seeks damages under Title VII of the Civil Rights Act of 1964 ("Title VII") for sexual harassment; however, at this juncture, she does not have standing to file suit under Title VII. "Before a plaintiff has standing to file suit under Title VII, [the plaintiff] must exhaust his administrative remedies by filing a charge with the EEOC." Bryant v. Bell Atlantic Maryland, Inc., 288 F.3d 124, 132 (4th Cir. 2002). Reed does not allege that she has exhausted her administrative remedies nor is it likely that she could have done so given that she filed this action less than two weeks after the alleged incident. Thus, the court finds that she does not have standing to file an action under Title VII at this time.

Reed also seeks damages for negligence, endangerment, recklessness, and carelessness and claims that the court has subject matter jurisdiction pursuant to § 1332, which grants the federal courts original jurisdiction over all "civil actions where the matter in controversy exceeds the sum or value of \$75,000," and the action is between citizens of different states. Reed, a citizen of Virginia, seeks damages in excess of \$75,000; however, she has failed to allege a sustainable basis of jurisdiction.¹ Reed has not alleged nor is there any indication that Labor Finders is not incorporated in Virginia and does not have its principal place of business in Virginia. See 28 U.S.C. § 1332(c)(1) (stating that for purposes of § 1332 a corporation "shall be deemed to be a citizen of any State by which it has been incorporated and of the State where it

¹"The plaintiff seeking relief in federal court bears the burden of alleging and proving the facts conferring jurisdiction." Gambelli v. U.S., 904 F. Supp. 494, 496 (E.D. Va. 1995) (citing Sligh v. Doe, 596 F.2d 1169, 1170 (4th Cir. 1979)).

has its principal place of business”).

III.

For the foregoing reasons, the court dismisses Reed’s claim without prejudice because she fails to state a claim on which relief may be granted.

ENTER: This 13th day of December 2005.


UNITED STATES DISTRICT JUDGE